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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Philippe G. Nantermet	
Serial No.:	10/578,953	Case No.: 21585YP
US Nat'l Filing Date:	May 10, 2006	
Int'l Appl'n No.:	PCT/US2004/038927	
Int'l Filing Date:	19 November 2004	
For:	BENZYLETHER AND BENZYLAMINO BETA-SECRETASE INHIBITORS FOR THE TREATMENT OF ALZHEIMER'S DISEASE	

Examiner:
Davis
Group Art
Unit:
1625

Director of the US Patent and Trademark Office
P. O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

This submission is in response to the office action mailed June 26, 2007.

Claims 1-19 are pending.

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VIRGINIA 22313-1450, ON THE DATE APPEARING BELOW.

MERCK & CO., INC.

BY: Dorothy Reynolds DATE: 7.19.07

In the office action, the Examiner required election of one of the following three claim groups:

Group I: Claims 1-17, drawn to a chemical compound of formula (I) and a pharmaceutical composition thereof;

Group II: Claim 18, drawn to a method of inhibiting β -secretase activity in a mammal using a compound of formula (I); and

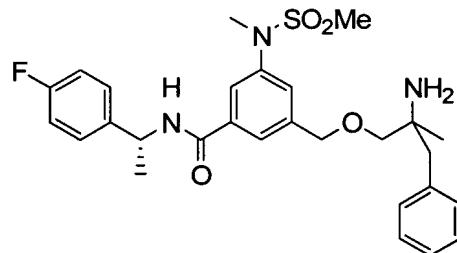
Group III: Claim 19, drawn to a method for treating Alzheimer's Disease in a patient using a compound of formula (I).

The Examiner also required election of a single species for prosecution, in the event that no generic claim is found allowable.

In response, applicants elect the Group I subject matter, without traverse.

In response to the species election requirement, applicants elect the compound of Example 1, at pages 61-62 of the specification:

3-[(2-amino-2-methyl-3-phenylpropoxy)methyl]-N-[(1R)-1-(4-fluorophenyl)ethyl]-5-[methyl(methylsulfonyl)amino]benzamide



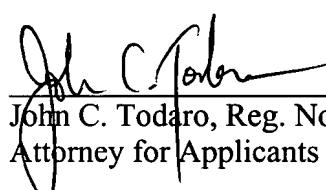
Claims 1-7, 9, 10, 11, 14, 15 and 17-19 read on the elected species, when Y is CH; X is O; A is methyl; m is 1; R¹ is phenyl; R² is group (1) wherein R⁴ and R⁷ are each methyl; and R³ is group (1) wherein R⁵ is methyl, R^{6a} and R^{6c} are hydrogen and R^{6b} is fluoro. The elected species is the first species recited in claim 10.

In view of the foregoing, it is believed that the restriction requirement has been overcome, and it is respectfully requested that the restriction be withdrawn.

An early and favorable examination is earnestly solicited.

Respectfully submitted,

By


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Date: July 19, 2007